

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES J. BRADLEY,

Plaintiff,

-v.-

8:07-CV-0820
(LEK/RFT)

MARTI AMELLIA, MARY ELLEN LADOE,
and MARY BAKER,

Defendants.

APPEARANCES:

JAMES J. BRADLEY
Plaintiff, *pro se*
06-A-4210

HON. LAWRENCE E. KAHN
United States District Judge

DECISION and ORDER

Presently before the Court is an amended Complaint filed by Plaintiff James J. Bradley. Dkt. No. 6. This amended Complaint was submitted by Plaintiff in compliance with the Decision and Order issued by this Court on August 29, 2007 ("August Order"). Dkt. No. 4. For the reasons discussed below, the Court finds that the amended Complaint fails to state a claim against the Defendants upon which relief may be granted and, therefore, dismisses this action.

In the August Order, the Court advised Plaintiff that state action is an essential element of any 42 U.S.C. § 1983 claim and that the Defendants in Plaintiff's original Complaint appeared to be private citizens. *Id.* at 3. Plaintiff was further advised that it is the duty of the Plaintiff to allege

state action on the part of the Defendants named in a complaint. Id.

A review of Plaintiff's amended Complaint reveals that it fails to comply with the August Order. Plaintiff continues to name Marti Amellia, Mary Ellen LaDoe, and Mary Baker as Defendants in this action. Dkt. No. 6 at 1. Plaintiff does not allege state action on the part of these Defendants.

In light of the foregoing, and for the reasons set forth in the August Order, the Court finds that Plaintiff's amended Complaint fails to state a claim upon which relief may be granted. The Court hereby dismisses this Amended Complaint.

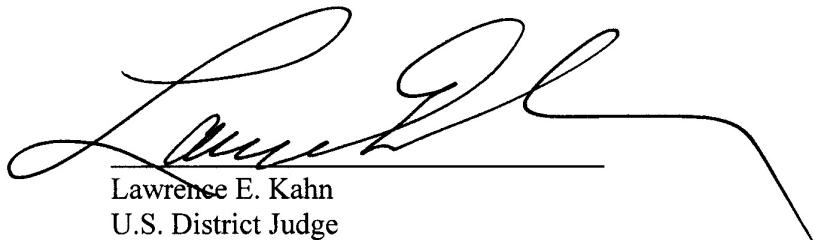
Accordingly, it is hereby

ORDERED, that this Amended Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e); and it is further

ORDERED, that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: October 05, 2007
 Albany, New York



Lawrence E. Kahn
U.S. District Judge